



Memphis and Shelby County

Office of Planning and Development

CITY HALL, 125 N. MAIN STREET, SUITE 468; MEMPHIS, TN 38103-2084

April 12, 2012

To: Members, Memphis and Shelby County Land Use Control Board

From: Josh Whitehead, Planning Director

RE: Additional amendments proposed to the
Memphis and Shelby County Unified Development Code (UDC) (Case ZTA 12-001)

Ladies and gentlemen:

Please allow me this opportunity to present to you, for your consideration, three additional amendments that have arisen since you have received your staff report for Case ZTA 12-001. Language that is underlined below has already been proposed to be added with the documentation you received over the weekend. Language that is **bolded** below is proposed to be added with this memorandum.

1. Mobile Food Trucks

Proposed language:

2.6.3N Retail Sales and Service Outdoor (Vendor)

1. An outdoor retail sales, service or vending facility shall be deemed stationary if it remains or operates on any single tract or lot for more than a total of one-half hour in any 24 hour period. A special use permit may be granted for individual or multiple vending facilities. This Sub-Section shall not apply to mobile food preparation vehicles that adhere to the provisions of Memphis Code of Ordinances Section 16-261, et. seq. or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.8.2 Temporary Uses Exempt from Permit

The following permitted temporary uses are exempt from these requirements...

F. Mobile Food Preparation Vehicles

Mobile food preparation vehicles that adhere to the provisions of Memphis Code of Ordinances Section 16-261, et. seq. or the Shelby County Code of Ordinances Chapter 8, Article XVI.

Justification:

Like the Memphis City Council, the Shelby County Board of Commissioners has recently passed an ordinance permitted mobile food trucks. This amendment provides a cross-reference to that new ordinance.

2. Encroachment of Attached, Covered Porches

Proposed language:

3.2.11E(4) Porches, Decks and Patios

b. Covered, unenclosed porches **attached to the principal structure** may encroach a maximum of eight feet into a required front setback.

Justification:

There has been some confusion both at the Office of Construction Code Enforcement and the Office of Planning and Development over whether this provision would include freestanding structures in the rear yard. The proposed language explicitly states that this permissible encroachment of covered, unenclosed porches, such as pergolas, only applies to attached structures. Otherwise, they will be treated as accessory structures.

3. Neighborhood Meetings

Proposed language (note: The term “meet” and “meeting” are being returned to this section after originally being proposed to be deleted):

9.3.2 Neighborhood Notification and Meeting

A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board or governing bodies, the applicant shall provide an opportunity to **meet** with representatives from neighborhoods adjacent to the development site which the hearing involves.

1. Zoning changes not in compliance with any plans to be considered (see Chapter 1.9);
2. Special use permit and major modification to a special use permit; and
3. Planned development outline plan or major modification to a planned development outline plan; and
4. Subdivisions containing at least **fifty** lots.

B. Where applicable, the applicant shall contact 1) **the officers of any neighborhood or business associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property;** 2) **all current residents of single-family dwellings** within the notification area and 3) **all property owners within the notification area, if different than the current residents,** to determine the need and method for discussing the proposed project. The neighborhood notification requirements shall be the same as the mailed public notice requirements in 9.3.4A. **The notification shall also include the public hearing date of when the application will be heard before the Land Use Control Board or the governing bodies.** Documentation of the neighborhood notification shall be provided to the Office of Planning and Development and shall consist of a copy of the letter mailed and electronic mail sent to all parties, the address labels to whom letters were mailed and a map of the notice area. Neighborhood meetings are the sole responsibility of the applicant. If a neighborhood meeting is held, documentation of its proceedings shall also be provided to the Office of Planning and Development. The applicant may request neighborhood organizations' contact information, if available, from the Office of Planning and Development.

C. The purpose of the neighborhood notification and meeting is to inform the neighborhood of the nature of the proposed land use and development features and solicit comments.

D. The posted notice requirements of Sub-Section 9.3.4C shall not apply to hearings described in Sub-Section 9.3.2A above.

Justification:

The proposed language is a continuation of the effort to try to keep residents and neighbors that are near proposed planned developments, special use permits, rezonings that are contrary to approved plans and subdivisions of ten lots or more. The additional requirements would require notification to residents and business owners – be they property owners or not – availing them the opportunity to meet with the applicants on a particular project.